

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. _____

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

Susp prob, civ pe

In re: Daniel Bivona, Hairdresser/Cosmetician

Petition No. 900515-20-008

CONSENT ORDER

WHEREAS, Daniel Bivona, H.C. of Stamford, Connecticut, has been issued license number 039037, to practice hairdressing and cosmetology by the Department of Health Services pursuant to Chapter 387 of the General Statutes of Connecticut, as amended; and

WHEREAS, Daniel Bivona, H.C., hereinafter referred to as the Respondent, hereby admits as follows:

1. During 1988 he entered into a Consent Order with the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians and the Department of Health Services, which included a period of probation.
2. His Consent Order contained terms and conditions, which the respondent failed to fulfill.
3. By his action in 1. above he has violated the provisions of §20-263 of the General Statutes of Connecticut by failing to conform to the accepted standards of the profession of hairdressing and cosmetology.

NOW THEREFORE, pursuant to §19a-17 and §20-263 of the General Statutes of Connecticut, Daniel Bivona, H.C. hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter.
2. That his license to practice hairdressing and cosmetology in Connecticut is hereby suspended for two years.

3. That said suspension shall be stayed immediately, and he shall be on probation for two (2) years under the following terms and conditions:

- (a) All present and future employers shall be informed of this Consent Order, and the prior Consent Order dated November 1988.
- (b) He shall obtain a qualified individual to act as a supervisor of his professional activities; said individual shall be licensed by the State of Connecticut to practice hairdressing and cosmetology and shall be approved by the Department of Health Services and the Board of Examiners for Barbers, Hairdressers and Cosmetologists prior to supervising Daniel Bivona; said individual shall provide the Board on a monthly basis with written reports concerning Daniel Bivona's competence as a hairdresser and cosmetician.
- (c) He shall not administer hair coloring except under proper supervision as described above.
- (d) Said reports shall be submitted to:

Lynne A. Hurley, Investigator
Division of Medical Quality Assurance
Public Health Hearing Office
150 Washington Street
Hartford, Connecticut

- (e) He hereby assumes full responsibility for the timely filing of the reports referred to in 3.(b) above.

4. That he is hereby assessed a civil fine of \$1000.00 for failing to comply with the provisions of §20-263 of the Connecticut General Statutes. Said penalty to be paid to:

Treasurer, State of Connecticut
Department of Health Services
150 Washington Street
Hartford, Connecticut 06106

Payment of the aforementioned fine by certified check shall accompany this document upon execution by the respondent, Daniel Bivona.

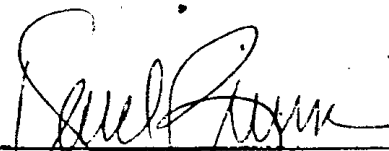
5. That any deviation from the term(s) of probation without prior written approval by the Board shall constitute a violation of probation. A violation of any term(s) of probation specified above shall result in the right of Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians to immediately revoke or take other disciplinary action as cited in Connecticut General Statutes §19a-17 against his hairdresser and cosmetician license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods. Notice of disciplinary action shall be sent to the respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Health Services). His license shall be suspended from one week after the notification of the alleged violation of probation is mailed until the decision of the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians on the violation of probation is rendered.
6. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-263 of the General Statutes of Connecticut, as amended, is at issue.

7. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.
9. That this Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.
10. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health Services to present this Consent Order and the factual basis for said Consent Order to the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians. He understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted. He further agrees that the pre-hearing review form signed by him is incorporated by reference into this Consent Order.
11. That he has the right to consult with an attorney prior to signing this document.

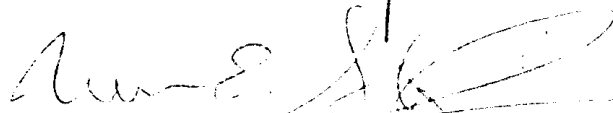
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I, Daniel Bivona, H.C., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Daniel Bivona, H.C.

Subscribed and sworn to before me this 14 day of February 1991.


Notary Public or person authorized
by law to administer an oath or
affirmation


Commissioner of the
Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 21st day of February 1991, it is hereby accepted.



Stanley R. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Board of Examiners for Barbers, Hairdressers and Cosmeticians on the 25 day of Feb 1991, it is hereby ordered and accepted.


For the Connecticut Board of
Examiners for Barbers, Hairdressers
and Cosmeticians